

CHAPTER 1109**CHILD DAY CARE REGULATION — EXCEPTION***H.F. 2224*

AN ACT excepting from child day care regulation certain programs for school age children administered by political subdivisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 237A.1, subsection 4, Code Supplement 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.

Approved April 21, 1992

CHAPTER 1110**POSTSECONDARY ENROLLMENT OPTIONS***H.F. 2247*

AN ACT modifying eligibility requirements within the postsecondary enrollment options Act, including students identified as gifted and talented children.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 261C.2, Code 1991, is amended to read as follows:
261C.2 POLICY.

It is the policy of this state to promote rigorous academic or vocational-technical pursuits and to provide a wider variety of options to high school pupils by enabling ninth and tenth grade pupils who have been identified as gifted and talented, and eleventh and twelfth grade pupils, to enroll part time part-time in nonsectarian courses in eligible postsecondary institutions of higher learning in this state.

Sec. 2. Section 261C.3, subsection 2, Code Supplement 1991, is amended to read as follows:

2. "Eligible pupil" means a pupil classified by the board of directors of a school district or the authorities in charge of an accredited nonpublic school as a ninth or tenth grade pupil who is identified according to the school district's gifted and talented criteria and procedures, pursuant to section 257.43, as a gifted and talented child, or an eleventh or twelfth grade pupil, during the period the pupil is participating in the enrollment option provided under this chapter. A pupil attending an accredited nonpublic school shall be counted as a shared-time student in the school district in which the nonpublic school of attendance is located for state foundation aid purposes.

Sec. 3. Section 261C.4, Code Supplement 1991, is amended to read as follows:
261C.4 AUTHORIZATION.

An eligible pupil may make application to an eligible institution to allow the eligible pupil to enroll for academic or vocational-technical credit in a nonsectarian course offered at that eligible institution. A comparable course, as defined in rules made by the board of directors of the public school district, must not be offered by the school district or accredited nonpublic school in which the pupil is enrolled attends. If an eligible institution accepts an eligible pupil for enrollment under this section, the institution shall send written notice to the pupil, the

pupil's school district or accredited nonpublic school, and the department of education. The notice shall list the course, the clock hours the pupil will be attending the course, and the number of hours of postsecondary academic or vocational-technical credit that the eligible pupil will receive from the eligible institution upon successful completion of the course.

Sec. 4. Section 261C.9, Code 1991, is repealed.

Approved April 21, 1992

CHAPTER 1111

ENVIRONMENTAL PROTECTION VIOLATIONS

H.F. 2299

AN ACT relating to the establishment and assessment of civil and criminal penalties including the establishment of a criminal penalty for knowingly making a false statement, representation, or certification in a comprehensive plan to operate a sanitary disposal project.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.109, subsections 1 and 2, Code 1991, are amended to read as follows:

1. The commission ~~may~~ shall establish, by rule, a schedule or range of civil penalties which may be administratively assessed. The schedule shall provide procedures and criteria for the administrative assessment of penalties of not more than ~~one~~ ten thousand dollars for ~~minor~~ violations of this chapter or rules, permits or orders adopted or issued under this chapter. In adopting a schedule or range of penalties and in proposing or assessing a penalty, the commission and director shall consider among other relevant factors the following:

- a. The costs saved or likely to be saved by noncompliance by the violator.
- b. The gravity of the violation.
- c. The degree of culpability of the violator.

d. The maximum penalty authorized for that violation under this chapter. Penalties may be administratively assessed only after an opportunity for a contested case hearing which may be combined with a hearing on the merits of the alleged violation. ~~Major violations, violations~~ Violations not fitting within the schedule, or violations which the commission determines should be referred to the attorney general for legal action shall not be governed by the schedule established under this subsection.

2. If ~~When~~ the commission establishes a schedule for ~~minor~~ violations, the commission shall provide, by rule, a procedure for the screening of alleged violations to determine which cases may be appropriate for the administrative assessment of penalties. However, the screening procedure shall not limit the discretion of the department to refer any case to the attorney general for legal action.

Sec. 2. **NEW SECTION.** 455B.316 PENALTY.

A person who knowingly makes a false statement or representation in a plan filed pursuant to section 455B.306 is guilty of a serious misdemeanor.

Approved April 21, 1992